IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No. 1527 of 2004
Date of Decision:- 09.10.2006

Shri Balbir Singh ....Petitioner

through
Mr.Akshay Bhan, Advocate

vs.

Smt.Sharda Rani & ors. ....Respondents

through
Mr.Ramesh Hooda, Advocate

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioner claims to be owner in possession of the land measuring 82 feet X 103 feet which is located on the National Highway from Rohtak to Delhi and falls in Khasra No.451/1. According to the petitioner, he is in possession of the subject land since the year 1947. As the Gram Panchayat wanted to dispossess him from the said land, the petitioner filed C.W.P.No.16696 of 1994 in which vide an order dated 11.7.1996, this Court directed the parties to maintain status-quo qua the land in dispute. The said interim order was made absolute while admitting the writ petition on 14.1.1997 (Annexure P-2).

Alleging that despite the direction to maintain status-quo, the Gram Panchayat has dug a well and has installed a tubewell on the subject land, this contempt petition has been filed against the Sarpanch and Panches of the Gram Panchayat.

In response to the show cause notice, the first respondent has

filed an affidavit dated 10.7.2006 on his behalf as well as on behalf of respondent Nos.2 to 6. In the said affidavit, it is averred that "the Gram Panchayat or any Member of the Gram Panchayat has not installed any tubewell over the land in dispute." It is, however, further stated that "the residents of the village collected the donations for installation of tubewell for drinking water. Sweet water is available in the subject land and the residents of the village while collecting the donations installed the tubewell for drinking water." It is, thus, admitted that a tubewell has been installed over the subject land though the respondents have denied their role in installation thereof.

Since this Court has categorically directed the parties to maintain status-quo with regard to the land in dispute and it may be difficult for the petitioner to identify the individuals who might have collected the alleged donations and/or participated in installation of the tubewell on the subject land, this petition is disposed of with a direction to (i) Deputy Superintendent of Police, Bahadurgarh and (ii) SHO, Police Station, Bahadurgarh to ensure that the orders dated 11.7.1996 and 14.1.1997(Annexures P1 & P2) passed by this Court in C.W.P.No.16696 of 2004 are meticulously complied with by all the residents of the village.

Rule discharged.

October 09, 2006 **(SURYA KANT)**
poonam **JUDGE**